

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 140 - SB 1131

February 10, 2019

SUMMARY OF BILL: Removes the statute of limitation for certain crimes against children if the offense occurred within a specified time frame.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Under current law, pursuant to Tenn. Code Ann. § 40-2-101(h)(2), a person may be prosecuted, tried and punished for aggravated rape, rape, or rape of a child not later than 25 years from the date the child turns 18 years of age, if the offense occurred between June 20, 2006 and June 30, 2014, and pursuant to Tenn. Code Ann. § 40-2-101(l)(1)(A), the victim notifies law enforcement or the office of the district attorney general within three years of the offense.
- This legislation removes the statute of limitation on these crimes and allows a person to be prosecuted at any time for such a crime occurring on or after June 20, 2006, if proper notification was given by the victim within three years of the offense.
- Under current law, the first possible year the statute of limitation would expire for such a crime occurring in the specified time frame is 2031. As such, the first year of possible impact resulting from the repeal of such statute of limitations is FY30-31.
- Under current law, pursuant to Tenn. Code Ann. § 40-2-101(i)(2), a person may be prosecuted, tried and punished for aggravated rape of a of a child not later than 25 years from the date the child turns 18 years of age, if the offense occurred between July 1, 2007 and June 30, 2014, and pursuant to Tenn. Code Ann. § 40-2-101(l)(1)(A), the victim notifies law enforcement or the office of the district attorney general within three years of the offense.
- This legislation removes the statute of limitation on these crimes and allows a person to be prosecuted at any time for such a crime occurring on or after July 1, 2007, if proper notification was given by the victim within three years of the offense.
- Under current law, the first possible year the statute of limitation would expire for such a crime occurring in the specified time frame is 2032. As such, the first year of possible impact resulting from the repeal of such statute of limitations is FY32-33.

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- The repeal of the statute of limitations for these crimes may lead to additional incarceration costs; however, as the first year of potential impact is FY30-31 and the number of such additional convictions as a result of this legislation is estimated to be not significant, this analysis estimates that any impact resulting from repealing the statute of limitation for such crimes to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/amj